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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 ANN ROSS, *et al.*,

No. C 07-2951 SI

9 Plaintiffs,

**ORDER GRANTING PLAINTIFFS'
UNOPPOSED MOTION TO PARTIALLY
LIFT COLORADO RIVER STAY AS TO
THE CLAIMS OF PLAINTIFF SMITH**

10 v.

11 U.S. BANK NATIONAL ASSOCIATION,

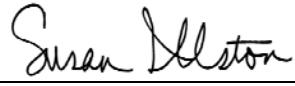
12 Defendant.
13 _____/

14 Plaintiffs have filed a motion to partially lift the *Colorado River* stay as to plaintiff Smith's
15 fourth, fifth and eighth causes of action as alleged in the second amended complaint. Defendant has
16 filed a statement of non-opposition to the motion; defendant states that its non-opposition is based upon
17 and contingent upon the ongoing accuracy of the representation by plaintiffs' counsel that their client
18 James Tate, the plaintiff in *James Tate et al. v. U.S. Bank National Association*, Case No. 0607-07188
19 Circuit Court of Oregon, County of Multnomah, has dropped all claims for class action treatment in the
20 *Tate* case and will not seek class action treatment in the *Tate* case.

21 Based upon these representations by plaintiffs' counsel and defendant's non-opposition to the
22 motion, the Court hereby GRANTS the motion and VACATES the July 25, 2008 hearing. (Docket No.
23 115). Plaintiffs counsel is directed to immediately notify the Court and defense counsel if the plaintiffs
24 in *Tate* decide to seek class certification.

25 **IT IS SO ORDERED.**

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27 Dated: July 21, 2008

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SUSAN ILLSTON
United States District Judge